

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN E. CHEN,

Petitioner

v.

DONNA ZICKEFOOSE, WARDEN,

Respondent

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CIVIL NO. 4:CV-13-2093

(Judge Brann)

ORDER

October 10, 2013

In accordance with the accompanying Memorandum, **IT IS HEREBY**

ORDERED THAT:

1. Petitioner is **GRANTED** leave to proceed in forma pauperis for the sole purpose of the filing of this action.
2. The petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE.**
3. Petitioner may reassert his present claims in a properly filed civil rights action.
4. The Clerk of Court is directed to **CLOSE** the case.

5. Based on the Court's conclusion, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/Matthew W. Brann
Matthew W. Brann
United States District Judge